

*REMARKS/ARGUMENTS**Pending Claims*

Claims 1, 2, 4-22, 25, and 26 will be pending after entry of the amendments presented herein.

Discussion of the Claim Amendments

Claims 1, 4, 5, and 16 have been amended to recite a method of killing, inactivating, or repelling *root knot* nematodes, as supported by the specification at, for example, page 7, lines 4-5, the examples, and original claim 26. Claims 1 and 16 also have been amended to recite the addition of an effective amount of loquat kernel *to nematodes or a growing medium*, as supported by the specification, for example, at page 4, line 27 and page 7, lines 13-14. Claims 3, 23, and 24 have been cancelled as unnecessary in view of the amended claims.

Although Applicants do not necessarily agree with the Office's conclusion that the claims lack unity of invention, claims 27-37 have been cancelled pursuant to the restriction requirement. Applicants reserve the right to pursue any or all of the cancelled subject matter in a later-filed divisional or continuation application.

Summary of the Office Action

The Office Action makes final the restriction requirement and acknowledges the election of claims 1-26 for prosecution. The Office Action rejects claims 1-23, 25, and 26 as lacking enablement insofar as the claimed method encompasses killing, inactivating, or repelling *any* nematode, although the Office Action acknowledges enablement of the claimed method as it applies to *root knot* nematodes. The Office Action also rejects claims 1-26 as indefinite for failing to specify what the loquat kernel is applied to (claim 1) and for the recitation of the phrases "likely to exist," "believed to exist," and "expected to move" (claims 1, 16, and 25).

Discussion of the Enablement Rejection

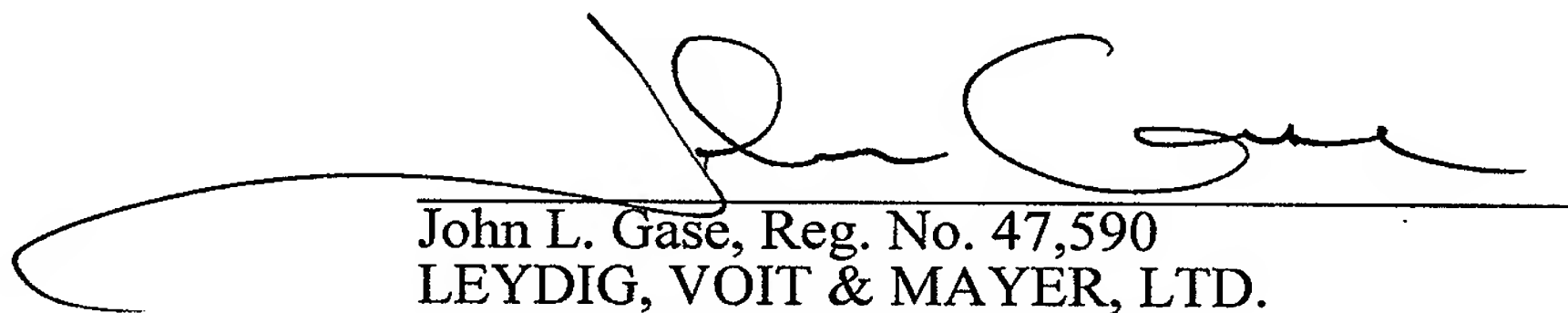
In order to expedite prosecution of the present application, and not in acquiescence of the rejection, the claims have been amended to recite methods of killing, inactivating, or repelling *root knot* nematodes. As the Office Action acknowledges the enablement of the claimed method as it applies to root knot nematodes, the enablement rejection is rendered moot by the claim amendments and should be withdrawn.

Discussion of the Indefiniteness Rejection

The amended claims specify that loquat kernel is to be applied to nematodes or a growing medium, and no longer recite the allegedly objectionable phrases "likely to exist," "believed to exist," and "expected to move." Accordingly, the indefiniteness rejection is rendered moot by the claim amendments and should be withdrawn.

Applicants submit that the claims of the subject application are in good condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John L. Gase", is written over a horizontal line. The signature is fluid and cursive.

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